

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to licensure, criminal convictions, and wallet cards and providing an opportunity for public comment

The Board of Cosmetology Arts and Sciences hereby proposes to amend Chapter 60, “Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences,” Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” and Chapter 65, “Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76 and chapter 157 and 2020 Iowa Acts, House File 2627.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.10 and chapter 157 and 2020 Iowa Acts, House File 2627.

Purpose and Summary

The proposed amendments implement the provisions of 2020 Iowa Acts, House File 2627, by (1) updating the Board’s licensure rules to include a reference to a rule in the new 645—Chapter 19 (ARC 5367C, IAB 12/30/20), which implements new Iowa Code section 272C.12, and (2) updating the Board’s rules regarding criminal convictions as grounds for discipline. The proposed amendments also remove references to wallet cards and update obsolete cross-references.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 16, 2021. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6529
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 16, 2021
9 to 10 a.m.

Via Webex:
idph.webex.com/idph/j.php?MTID=m3c42c40bcc17792e9c1cdbaa6408ed2b
Password: GAhMjEu7*53
Via telephone: 408.418.9388
Access code: 146 783 2932

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend paragraph **60.2(1)“a”** as follows:

~~a. Submit a completed, board-approved application for licensure online at www.ibplicense.iowa.gov. Paper application forms may be obtained from the board's website (www.idph.state.ia.us/licensure) or directly from the board office. Completed paper applications and appropriate fees shall be sent to Board of Cosmetology Arts and Sciences, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.~~

ITEM 2. Adopt the following **new** subrule 60.2(4):

60.2(4) Licensure by work experience. An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

ITEM 3. Amend rule 645—60.4(157) as follows:

645—60.4(157) Practice-specific training requirements. The board shall approve a licensee to provide the appropriate services once a licensee has complied with training requirements and submitted a completed application, the required supporting evidence, and applicable fees as specified in these rules. The applicant shall receive a certification ~~and~~ following board approval.

60.4(1) Microdermabrasion.

- a. No change.
- b. To be eligible to perform microdermabrasion services, the licensee shall:
 - (1) and (2) No change.
 - (3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to ~~645—subrule 62.1(19)~~ 645—subrule 5.5(14). The fee is nonrefundable.
- 60.4(2) Chemical exfoliation.**
 - a. and b. No change.
 - c. To be eligible to perform chemical peels, a cosmetologist who was licensed prior to July 1, 2005, shall:
 - (1) and (2) No change.
 - (3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to ~~645—subrule 62.1(19)~~ 645—subrule 5.5(15). The fee is nonrefundable.
- 60.4(3) Laser services.**
 - a. to e. No change.
 - f. To be eligible to perform laser services, a cosmetologist who was licensed on or before July 1, 2005, an electrologist, or an esthetician shall:
 - (1) and (2) No change.
 - (3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to ~~645—subrule 62.1(19)~~ 645—subrule 5.5(14). The fee is nonrefundable.
- 60.4(4) IPL hair removal treatments.**
 - a. to d. No change.
 - e. To be eligible to perform IPL hair removal services, a cosmetologist who was licensed on or before July 1, 2005, an electrologist, or an esthetician shall:
 - (1) and (2) No change.
 - (3) Complete a board-approved certification application form and submit to the board office the completed form, a copy of the certification of training, and the required fee pursuant to ~~645—subrule 62.1(19)~~ 645—subrule 5.5(14). The fee is nonrefundable.
- 60.4(5) to 60.4(7) No change.**
- ITEM 4. Adopt the following **new** subrule 60.7(5):
 - 60.7(5) Licensure by verification.** A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule ~~645—19.1(272C)~~.
- ITEM 5. Amend subrule 60.8(4) as follows:
 - 60.8(4)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail~~. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.
- ITEM 6. Amend subrule 60.8(5) as follows:
 - 60.8(5) Late renewal.** The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card renewal~~. The licensee shall be assessed a late fee as specified in ~~645—subrule 62.1(3)~~ 645—subrule 5.5(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.
- ITEM 7. Amend subrule 60.17(2) as follows:
 - 60.17(2)** Pay the reactivation fee that is due as specified in rule ~~645—62.1(147,157)~~ 645—5.5(147,157).

ITEM 8. Amend subrule 61.2(5) as follows:

61.2(5) A salon license shall be issued for a specific location. A change in location or site of a salon shall require submission of an application for a new license and payment of the fee required by ~~645—subrule 62.1(16)~~ 645—subrule 5.5(11). A change of address without change of actual location shall not be construed as a new site.

ITEM 9. Amend subrule 61.3(5) as follows:

61.3(5) A salon shall be in full compliance with this chapter and ~~645—Chapter 63~~ to be eligible for renewal. When all requirements for license renewal are met, the salon shall be ~~sent~~ issued a license renewal ~~card by regular mail~~.

ITEM 10. Amend rule 645—61.5(157) as follows:

645—61.5(157) Display requirements for salons.

61.5(1) Every salon shall have a sign visible outside the entrance designating the place of business.

61.5(2) The most current salon license proof of renewal ~~card~~ shall be posted in the salon front entrance area to provide the public a full, unobstructed view of the license. ~~Photo and electronic copies are not acceptable.~~

61.5(3) The most current license proof of renewal ~~card~~ for each licensee working in the salon shall be posted in the salon front entrance area to provide the public a full, unobstructed view of the license. ~~Photo and electronic copies are not acceptable.~~

61.5(4) If the licensee works in more than one salon, the current proof of renewal ~~card~~ shall be posted in the primary place of practice, and the licensee shall ~~have the current wallet card in the licensee's possession~~ be able to provide the renewal upon request.

61.5(5) Each licensee shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 11. Amend rule 645—61.6(147) as follows:

645—61.6(147) Duplicate certificate ~~or wallet card~~ for salons.

61.6(1) A duplicate ~~wallet card or duplicate~~ certificate shall be required if the current ~~wallet card or~~ certificate is lost, stolen or destroyed. A duplicate ~~wallet card or duplicate~~ certificate shall only be issued under such circumstances.

61.6(2) A duplicate salon ~~wallet card or~~ certificate shall be issued upon receipt of a completed application and receipt of the fee as specified in ~~645—subrule 62.1(5)~~ 645—subrule 5.5(5).

61.6(3) If the board receives a completed application stating that the owner of the salon has not received the ~~wallet card or~~ certificate within 60 days after the ~~card or~~ certificate is mailed by the board, no fee shall be required for issuing the duplicate ~~wallet card or~~ certificate.

ITEM 12. Amend paragraph **61.8(2)“b”** as follows:

b. Schools shall be in full compliance with this chapter and ~~645—Chapter 63~~ to be eligible for renewal. When all requirements for license renewal are met, the school shall be ~~sent~~ issued a license renewal ~~card by regular mail~~.

ITEM 13. Amend rule 645—61.10(157) as follows:

645—61.10(157) Display requirements for schools.

61.10(1) Every school shall have a sign visible outside the entrance designating the place of business.

61.10(2) A school license and the current proof of renewal ~~card~~ shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license. ~~Photocopies and electronic copies are not acceptable.~~

61.10(3) The current license proof of renewal ~~card~~ for each instructor working at the school shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license. ~~Photocopies and electronic copies are not acceptable.~~

ITEM 14. Rescind subrule 65.2(12) and adopt the following **new** subrule in lieu thereof:

65.2(12) Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.